

**AGENDA**  
**CUMBERLAND TOWN COUNCIL MEETING**  
Town Hall, 290 Tuttle Road  
**Monday, September 27, 2004**  
7:00 p.m. - CALL TO ORDER

**I. APPROVAL OF MINUTES**

a) September 13, 2004

**II. MANAGER'S REPORT**

**III. PUBLIC DISCUSSION**

**IV. LEGISLATION AND POLICY**

04 – 126. To set a date to consider and act on a Public Grounds Ordinance.

04 – 127. To set a date to consider and act on an ordinance amendment to permit the daytime use of golf carts on Chebeague Island.

04 – 128. To set a date to consider and act on the Rines Forest Committee guidelines.

04 – 129. To hear a report and set a date to consider and act on an alcohol use policy for Val Halla Golf & Recreation Center.

04 – 130. To consider and act on a request for financial assistance by the Cumberland Historical Society.

**V. NEW BUSINESS**

**VI. EXECUTIVE SESSION:** re: property acquisition

**VII. ADJOURN**

**VIII. COUNCIL WORKSHOP:** Tax Cap Discussion (*not televised*)

**MEMBERS OF THE TOWN COUNCIL**

William Stiles, Chairman	829-6679	<a href="mailto:wcestiles@maine.rr.com">wcestiles@maine.rr.com</a>	Donna Damon	846-5140	<a href="mailto:publicservant1@aol.com">publicservant1@aol.com</a>
Mark Kuntz	829-6482	<a href="mailto:chinook96@msn.com">chinook96@msn.com</a>	Harland Storey	829-3939	<a href="mailto:cstorey@gwi.net">cstorey@gwi.net</a>
Michael Savasuk	781-3061	<a href="mailto:mxslaw@maine.rr.com">mxslaw@maine.rr.com</a>	Jeffrey Porter	829-4129	<a href="mailto:mesit5@maine.rr.com">mesit5@maine.rr.com</a>
Stephen Moriarty	829-5095	<a href="mailto:smoriarty@nhdlaw.com">smoriarty@nhdlaw.com</a>	web:		<a href="http://www.cumberlandmaine.com">www.cumberlandmaine.com</a>



# **MINUTES**

## **Cumberland Town Council Meeting**

MONDAY, SEPTEMBER 13, 2004  
TOWN HALL, 290 TUTTLE ROAD

6:00 p.m. – Workshop with the Rines Committee

7:03 p.m. – CALL TO ORDER

Present: Chairman Stiles, Councilors Savasuk, Damon, Storey, Porter, and Moriarty.  
Excused: Councilor Kuntz.

### **I. APPROVAL OF MINUTES**

a) August 9, 2004

Motion by Councilor Storey to approve as submitted;

Seconded by Councilor Savasuk.

VOTE: 4-0-2 Councilors Porter and Moriarty abstained.

b) August 23, 2004

Motion by Councilor Savasuk to approve the minutes with the addition of the word  
“session” under New Business comments by Councilor Moriarty;

Seconded by Councilor Damon.

VOTE: 5-0-1 Councilor Storey abstained.

### **II. MANAGER’S REPORT**

The town is moving forward with the Route 100 signalization project. He has submitted a request for a similar project at Skillins Road – this section is poorly drained and difficult to traverse. We will be advertising this week for an Economic Development Advisory Committee to consider opportunities and develop a long-term plan for the Route 100 corridor.

### **III. PUBLIC DISCUSSION**

John Lambert, expressed surprise “to see what had happened out at the Fowler property.” He believed “the instructions were pretty clear” by a prior council when they approved “three baseball fields, and a multi-purpose field. Even with respect to the softball and baseball field, the fencing was supposed to be minimalist and disassembled at the end of the season. That was done with the effort of recognizing the balance that needs to be kept ...of preservation and recreation.” Manager Shane stated the lease agreement provides the SAD “full use of the facility,” which was designed as a “multi-purpose field.” Mr. Lambert responded that he never understood the lease “to cede differences of use” or to “disrupt the balance between recreation and preservation. It’s very unfortunate and unfair to the adjacent land owners.”

Bill McFarland, Wild Way, spoke to the issue of winter road maintenance on private roads. "Nobody is plowing our road. Why do I have to pay to take care of my road when these other people don't; we need to stop spending money. Don't continue doing it because you've been doing it five years...and it's slipped through the crack." Councilor Moriarty explained "Those owners pay full boat taxation." The town received a full public easement, and collects full taxation from the property owners. "All the town does is plow and sand – no maintenance obligations whatsoever." Councilor Porter added that "unfortunately it's not crystal clean." He encouraged Mr. McFarland to serve on the review committee. "We need more people like you serving on this committee. It would be nice that we have full input." Mr. McFarland also commented on the recent LNG discussions, adding "I think we should have gotten a chance to vote on it."

#### **IV. LEGISLATION AND POLICY**

- 04 -116. To hold a public hearing to consider and act on the Mass Gathering Permit and Victualers licenses for the 133<sup>rd</sup> Cumberland Fair, September 26 – October 3, 2004 at the Cumberland Fairgrounds, 194 Blanchard Road.**

Motion by Councilor Porter to approve the Mass Gathering Permit for the Cumberland Fair, September 26 through October 3, 2004 and the related Victualers licenses;  
Seconded by Councilor Moriarty.

Councilor Porter revealed that he is a member of the Cumberland Lions Club, one of the fair's victualers and Chairman Stiles also shared that he is a member of the Farmers Club.

VOTE: UNANIMOUS 6-0

- 04 – 117. To consider and act on a Victualers license application by Dina Lattanzi, d/b/a D'Antonio Baking Company, 25 Pond Shore Drive.**

Motion by Councilor Damon to approve the Victualers license for Dina Lattanzi, d/b/a D'Antonio Baking Company, 25 Pond Shore Drive;  
Seconded by Councilor Savasuk.

VOTE: UNANIMOUS



**04 – 118. To hold a public hearing to consider and act on the adoption of a Fire Protection Ordinance and related amendments to the Zoning and Subdivision Ordinances.**

Chief Small explained he has worked for some time to produce a “palatable” document. This document is a stand-alone ordinance, and the Zoning and Subdivision Ordinances have been amended accordingly. The new ordinance changes impact major subdivisions; five or more homes, as well as commercial buildings 4,000 square feet or larger in size. “We’ve taken out a lot of the smaller projects and just focusing on the ones that might have a greater impact to the department. We’ve given them different options for (fire) protection, from sprinklers to water main extensions, underground water tanks and the like. It’s their choice.”

During council discussion, Councilor Moriarty asked for clarification regarding the “fire pond option” and questioned whether “a natural body of water” would serve as a sufficient water source. ~~Councilor Moriarty~~ <sup>Chief Small</sup> explained that the system has to be designed and stamped by a registered principle engineer and must approve the installation of all the components. Once you determine if the body of water is adequate enough, the system will need to be designed “so that it still works. We want them to make that determination.” Underground water storage tanks in the 20,000 gallon range are found in a couple of locations in town. “I’m not sure who owns them” explained the Chief, “but we end up owning the maintenance to try to get them to work.”

During public comment, Mr. McFarland stated “if there’s no requirement for maintenance, I think that’s a problem. We don’t want the town taking this on and people thinking they’re fairly safe when they’re not.” The Manager clarified the “two that we have in town presently were deeded with the infrastructure to the town, so they are now town-owned facilities. But in the future...it’s not something we want to accept as public infrastructure” stated the Town Manager.

Chairman Stiles referenced a letter from Terry Malony Kelly who stated her opposition to this ordinance applying to personal residences “due to the increased cost” this ordinance will create for homeowners. Councilor Damon asked what source is used for the sprinklers. Chief Small indicated the source can come from three areas; a water main, a storage tank in the basement, or a well. “The option for fire ponds is still there.” Chairman Stiles stated some of the rationale behind the reason for sprinklering major subdivisions was because “the cost of sprinklering smaller developments greatly increased the cost to the developer. But a larger development where the contractor has the ability to spread the cost over a greater group of people makes it feasible” to require the sprinklers. “However ... there are other options that are available...to meet the requirement.”



Councilor Storey is opposed “primarily for the same reason that the Malony’s are against it. I think commercial property should have the sprinkler system in them.”

Motion by Councilor Moriarty moved to adopt the Fire Protection Ordinance with the substituted Section 107.2 (below) and with the provision that the second 107.2 be changed to 107.3;

Seconded by Councilor Savasuk.

VOTE: PASSAGE 4-2 (Councilors Storey and Damon opposed)

Councilor Moriarty offered the following amendment to Page 4, Section 107.2, Subparagraph titled “Additional Requirements” as follows: “The Cumberland Fire Department may recommend, and the Planning Board may approve, additional requirements for multi-family dwelling units or major subdivisions in which the dwellings are separated by less than one hundred (100) feet. Additional requirements may include automatic fire protection sprinkler systems, additional fire hydrants, building construction designs intended to reduce the spread of fire or other accepted engineering methods.” He further clarified that this “only applies in cases where there are multi-family dwelling units;” i.e. three or more families per unit and major subdivisions in which the homes are closer than 100 feet apart from each other. This language gives the authority to the Chief to make recommendations, and the discretion to the Planning Board to approve. “It builds more flexibility into the system and takes away the rigidity that you find in the draft language before us. It does not apply to single family houses or minor subdivisions at all. It does not apply to the commercial construction less than 4,000 square feet.” Chairman Stiles also noted that Section 107.2 was duplicated and renumbering was therefore needed.

Councilor Moriarty moved to amend the Zoning Ordinance to add a new section, Section 206.8.23, “which basically cross references the Fire Protection Ordinance which we have just adopted”;

Seconded by Councilor Savasuk.

VOTE: PASSAGE 4-2 (Councilors Storey and Damon opposed)

Councilor Moriarty moved to amend the Subdivision Ordinance to strike the current Section 10 and add the new proposed Section 10, which again cross-references the new Fire Protection Ordinance;

Seconded by Councilor Savasuk.

VOTE: PASSAGE 4-2 (Councilors Storey and Damon opposed)



**04 – 119.            To consider and act on a request for financial assistance by the Cumberland Historical Society.**

Town Manager Shane received a request from the Cumberland Historical Society for financial assistance to complete building repairs to their structure on Blanchard Road. With their request, the Society presented a construction evaluation performed by Criterium Engineers. He explained the Society is requesting “any amount of money in assistance.” A representative of the Society was not present at the meeting.

Councilor Damon questioned who owns the property and whether the deed contains a “reversion clause.” Councilor Damon explained if it did contain the clause “the town would own it and it might play into the condition you might want it to be in.” She also questioned “how immediate and serious is this problem?” Councilor Moriarty recommended the item be tabled “until we’ve fully scoped out the trust funds and checked into the existence of a possible reversion clause which might or might not indicate that the town has a possible investment to protect here and until we identify or refine some other issues...not the least of which would be where would the money come from?”

Motion by Councilor Porter to table the item;

Seconded by Councilor Savasuk.

VOTE:     UNANIMOUS PASSAGE 6-0

**04 – 120.            To hear a report from the Val Halla Trustees regarding an alcohol use policy.**

The Town Manager requested tabling this item.

Motion by Councilor Porter to table this item;

Seconded by Councilor Savasuk.

VOTE:             UNANIMOUS PASSAGE 6-0

**04 – 121.            To appoint Nadeen Daniels as Warden, Town Hall precinct, for the 9/21/04 SAD 51 election.**

Motion by Councilor Storey to appoint Nadeen Daniels as Warden;

Seconded by Councilor Damon.

VOTE:             UNANIMOUS PASSAGE 6-0



**04 – 122. To hold a public hearing to consider and act on a proposed Consent Agreement with James M. and Bethany G. Hanley, regarding a porch setback violation at 288 Blanchard Road, Map R07, Lot 92.**

Manager Shane explained a lot line interpretation made by an earlier Code Enforcement Officer has been recently challenged. However, a deck was built based upon that earlier interpretation and “For a very small setback it didn’t seem reasonable to ... remove a deck that was three to five feet over the setback line.” One Code Enforcement Officer interpreted the setback perpendicular to the lot line; the other perpendicular to the house “and that’s how we came up with this discrepancy.” While attempting to sell the home, the Hanley family received a mortgage survey which determined an alternate boundary. The proposed consent agreement prevents further action against any future homeowner. The Manager recommended a \$500 administrative fee, less than the more typical \$2,000 fee, due to the fact Mr. Hanley personally drafted the agreement language which resulted in “minimal” revisions by the town attorney. Mr. Hanley was present to respond to questions.

Councilor Porter moved that the Consent Agreement between James M. and Bethany G. Hanley and the Town of Cumberland be approved on payment by the Hanley’s of \$500; representing the Town Attorney’s fees and costs, and order that the Code Enforcement Officer is authorized and directed to execute the Agreement on behalf of the town in substantially the form as attached hereto;

Seconded by Councilor Storey.

VOTE: UNANIMOUS 6-0

**04 – 123. To set a date for a Nominating Committee meeting re: a Winter Road Maintenance Committee.**

Councilors Porter, Kuntz and Moriarty will schedule a date.

**04 – 124. TABLED – To hold a public hearing to consider and act on a Contract Zone request for the Louis Hanson property located at 371 Tuttle Road, Map U11, Lot 4.**

Manager Shane stated the town attorney has explained that the “final contract” must go before the Planning Board for their recommendation. The item is on the next Planning Board agenda and will be back before the council in October.

Motion by Councilor Moriarty to table this item;

Seconded by Councilor Storey.

VOTE: UNANIMOUS 6-0 PASSAGE



**To hear a report from the Town Council Chairman regarding the Palesky initiative.**

Chairman Stiles gave a powerpoint presentation, stating “this is not an advertisement for or against...but an attempt on our part to get some information as we know it how this initiative will affect the town.” As we come up with more information we will pass it along. Councilor Porter thanked the Chairman and Manager for pulling it together and requested a broader representative of neighborhoods; the current list “doesn’t properly reflect the benefit of the shift. We’ve got some values that are relatively closer together.” He also encouraged the Chairman and Manager to work with the School District. “They’re probably comparable, but it would be helpful to use our own numbers.” The Chairman and Manager are meeting with the SAD managers tomorrow morning. Councilor Moriarty suggested a workshop “so we can understand some of these numbers more clearly. We ought to begin with a workshop and think in terms of a special meeting to unveil some of this in a more detailed fashion to the public.” A workshop was scheduled for Thursday evening at 7:30 p.m. Councilor Savasuk doesn’t think we can look at this in a vacuum. “It all boils down to the state legislature”... with respect to school funding. There’s got to be a change at the state level to relieve the property owners from bearing the total cost of education costs.” Councilor Damon suggested we “initiate a groundswell of support throughout Maine and encourage the Governor to call the Legislature back into session. “Somebody has got to do something.”

**NEW BUSINESS**

**SAVASUK** – none

**DAMON** – she and Manager met with CMIT members to talk about the Curit property to determine their interest in possibly acquiring the entire parcel and the various types of affordable housing uses for the property. Both parties feel an easement should be placed on the property “so they can transfer the \$100k” and that the line be set back no more than 100 feet from the stream, and that it be set at a diagonal so the usable acreage can be as large as possible; the line of division be surveyed and a legal description be developed and sent to CMIT. With respect to the upper part of the property, it was discussed that if the town decided they did not want to develop affordable housing there, the trust could be given right of first refusal for 365 days to purchase it for the \$100k plus closing costs. Bill Shane stated he met with the original surveyor who’s preparing a document showing a 100’ setback from the stream and equitably divide the property. That should be ready within a month. The conveyance should occur sooner rather than later. It could be a year or as much as three before a determination is made on the affordable housing. The biggest problem is with the infrastructure costs. “There’s a multitude of options out there



right now, but the first is to get the easement squared away.” Councilor Moriarty suggested that at that point the council can discuss another meeting with CMIT. Donna recommended pins be placed every 100 feet along the easement line. She expressed a concern about “the access to meetings for people on Chebeague.” At the last Planning Board meeting more than ½ of the meeting was taken up with mainland issues; only an hour of time to deal with Chebeague issues. “There should be a special meeting on Chebeague to discuss this subdivision before it gets too much further into the process.” Town Manager will speak with the Planner. “If they’re gonna come to Chebeague they might as well deal with Chebeague issues.”

**STOREY** – suggested we try to find an attorney or two to serve on the Private Road Winter Maintenance committee.

**STILES** – new law became effective 8/31/04 which created several changes to the use of atvs’ including prohibiting their use on others’ property without owners’ permission. You can’t cross brooks, wetlands, or source water protection area. He recognized KC Putnam, who was elected Chaplain of the Year by the Maine Firefighters Association. He and the Manager met with PUC reps to discuss reasons why a regional dispatch was not implemented. He and Manager are meeting with the SAD officials tomorrow.

**MORIARTY** – Requested an update on the possible shoulders on Route 88. The Manager explained “It’s a higher classification of road than Blanchard or Skillins.” Route 88 is “very low” on the DOT list for maintenance. Those types of maintenance would have to “come solely on town dollars and it would be a while before we see that surfacing to the top.” He suggested we may want to consider working with Falmouth and Yarmouth to possibly reclassify the road which would make it eligible for a 2/3 and 1/3 cost share.

**PORTER** – We received correspondence and it seems like he gets requests fairly periodically regarding paved shoulders. He agrees it deserves a lot higher consideration.

**MANAGER** – Public Works Director Adam Ogden is recuperating from appendicitis. Polls open next Tuesday from 7 am to 8 pm re: the SAD 51 Bond referendum issue.

## **ADJOURN**

Councilor Savasuk moved to adjourn;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:07 p.m.

Respectfully submitted,

Nadeen Daniels, CMC  
Town Clerk

# CUMBERLAND TOWN COUNCIL PUBLIC HEARING NOTICE MONDAY, SEPTEMBER 27, 2004

The Cumberland Town Council will meet at 7:00 p.m. in the Town Council Chambers, 290 Tuttle Road, on Monday, September 27, 2004. The agenda will include, but is not limited to, the following public hearing items:

- To set a date to consider and act on an amendment to the Town Property Ordinance to establish closed hours between sunset and sunrise;
- To set a date to consider and act on an ordinance amendment to permit the daytime use of golf carts on Chebeague Island;
- To hold a public hearing regarding road acceptances within the Jordan Farms Subdivision.

A complete agenda may be obtained at the Office of the Town Manager. Opportunity for public comment will be provided. Interested parties are invited and encouraged to attend.



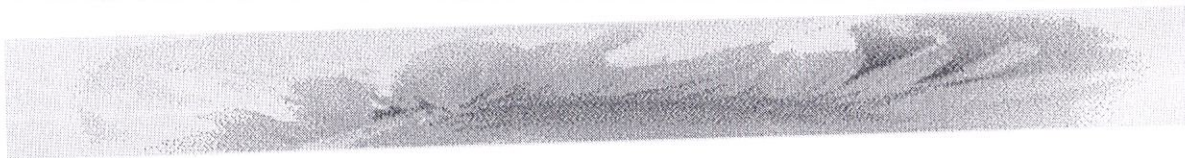
**Nadeen Daniels**

**From:** Kenneth M. Cole, III [KCole@JBGH.com]  
**Sent:** Friday, September 10, 2004 1:03 PM  
**To:** Nadeen Daniels  
**Cc:** William Shane  
**Subject:** RE: question

Nadeen: There is no requirement of a public hearing to accept a street----should be a Council order and appear on agenda, and public comment is permitted on item at meeting--but no need to follow public hearing notice process etc. Also, briefly spoke to John Mitchell this morning re Bill's memo detailing items needed before Council action--since no proposed deed, easement or other legal documents yet and he said Phil Gleason working on them. If you receive prior to meeting, please forward ASAP. Thanks, ken

-----Original Message-----

**From:** Nadeen Daniels [mailto:ndaniels@cumberlandmaine.com]  
**Sent:** Friday, September 10, 2004 11:37 AM  
**To:** Kenneth M. Cole, III  
**Subject:** question



Hi Ken,

Bill asked if I would run a question by you. Does the Town Council have to follow certain public hearing procedures, including specifically notice, when considering road acceptance? We couldn't find anything in the Subdivision Ordinance specifically, and want to be sure to follow the two reading process if necessary.

Thanks,

Nadeen

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# **PUBLIC GROUNDS ORDINANCE**

Town of Cumberland, Maine  
October 2004



# **PUBLIC GROUNDS ORDINANCE**

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## PUBLIC GROUNDS ORDINANCE

### I. ARTICLE I. TITLE, PURPOSE AND DEFINITIONS

#### A. TITLE

This Ordinance shall be known and may be cited as the Public Grounds Ordinances of the Town of Cumberland.

### II. ARTICLE II. GENERAL PROVISIONS

#### A. OPERATION OF VEHICLES

No vehicle shall be driven on or over any part of public grounds without specific authorization of the Town manager except within the traveled portion of public ways or within those portions of public grounds which are specifically designated for vehicular travel.

#### B. HOOFED ANIMALS

No hooved animals are allowed on any paved areas of public grounds except as specifically permitted by the Town Council or its duly appointed agent.

#### C. OBSTRUCTION OF PEDESTRIAN TRAFFIC

Three or more persons shall not stand together, on or in, any street or sidewalk in such manner as to obstruct the free passage therein, for pedestrians attempting to lawfully walk these streets or sidewalks.

#### D. HOURS OF USE AT ALL TOWN OWNED OUTDOOR FACILITIES

1. All *Town owned outdoor facilities* hereinafter referred to *Town Outdoor Facilities* shall be open for use by the general public during daylight and early evening hours throughout the year, and it shall be closed to public use from one hour after sunset until one hour before sunrise of the immediately following day during which time it shall be unlawful for any person to be within the limits of all the *Town Outdoor Facilities* or related parking areas, except for special events approved by the Town Council or designated advisory committees.

2. Any person who knowingly fails or refuses to leave the *Town Outdoor Facilities* or related parking areas during such times when the park is closed to general public use, when requested or directed to leave by any police officer or agent of the Recreation Department shall be guilty of criminal trespass pursuant to Title 17A MRSA §402.



### III. ARTICLE III

#### A. PENALTY

Whoever violates any of the provisions of this Ordinance to which a particular penalty is not annexed shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for each violation, to be recovered on complaint, to the use of the Town of Cumberland.

### IV. ARTICLE IV

#### A. SCHEDULE OF GENERAL AND SPECIAL REGULATIONS ON VARIOUS TOWN PROPERTIES

Except as provided hereinafter, the following rules and regulations apply to all municipal properties of the Town of Cumberland.

1. No person shall deposit or leave any trash, litter, or refuse except in designated containers or disposal areas.
2. No person shall set, leave, bait, or tend any animal traps, water sets, or snares unless permitted by the Town Council through a Use Policy of that specific facility.
3. No person shall deface, injure, destroy, vandalize, or remove any fences, signs, gates, benches, structures, amenities, buildings or any other public improvements.
4. No person shall place, construct or assemble any fence, tree house, permanent tree stand, building, structure, latrine, lean-to, bridge, culvert, or conduit, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
5. No person shall set, kindle, burn, or allow any fire, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
6. No person may camp or tent on any Town properties after 7:00 PM or the authorized evening hours of operation, whichever is earlier, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
7. Except for brushing or maintenance of approved trails systems, no person shall cut or remove any trees, limbs, shrubs or bushes nor remove any vegetation, without the explicit permission of the Town as provided in Section 4.2 hereinafter. This shall not be construed to prohibit the gathering of nuts, fruits, ferns, leaves, berries, cones, driftwood, seaweed, mosses or similar vegetation for personal consumption, ornamentation, scientific or educational purposes.

8. No person shall apply any herbicide, fungicide, or pesticide, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
9. Motor vehicles, bicycles, all terrain vehicles and other motorized equipment shall be prohibited from all areas except roadways, parking areas, and tracts specifically established or designated for such use, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
10. The Town Manager, under the direction of the Town Council, or with the advice and consent of the a Council appointed Advisory Committee or Agency assigned may adopt or establish additional rules and regulations as are reasonable and necessary to accomplish the following purposes:
  - a. To assure healthful, safe, and sanitary conditions on the subject property.
  - b. To promote peaceful and considerate public use and enjoyment of Town properties and to minimize any nuisance, disturbance or interference, or safety concerns on adjoining or nearby lands that may be caused by such public use or enjoyment of Town lands.
  - c. To protect or enhance the scenic, recreational and environmental values of the property and to prevent erosion, unreasonable disturbance of natural habitat and wildlife, or to prevent pollution.
  - d. To allocate the limited use of time and space fairly and equitably among various persons or groups seeking use of the properties.
  - e. To provide for efficient care and maintenance of the properties



B. EXEMPTIONS

All activities listed in this schedule of General and Special Regulations shall not be unlawful if undertaken with the explicit approval of the department, agency, or officer of the Town assigned primary oversight responsibility for the use of the subject property. Approval shall only be granted if the Department, Agency or Officer determines that such requested activity is consistent with the general public purposes for which the property is intended and shall not unreasonably injure or risk injury to the subject property or to the public use and enjoyment thereof.

1. Nothing herein shall prohibit the care, maintenance, control or improvement of Town properties undertaken by any agency, department or officer of the Town or with the authority of the Town.

C. SPECIAL REGULATIONS FOR TOWN OUTDOOR FACILITIES

1. Town Outdoor Facilities Park shall be open for use by the general public during daylight and evening hours throughout the year, and it shall be closed to public use from one hour after sunset to one hour before sunrise of the immediately following day during which time it shall be unlawful for any person to be within the limits of the park or related parking areas, except for special events approved by the Town Council or Community Services Department.
2. No person shall allow animal feces of any animal or pet under their control to be deposited or to remain on any walkway, lawn or pedestrian area.
3. No person shall allow any confetti, streamers, or litter to be tossed, or deposited in the park.
4. No solicitations, sales peddling, or vending of goods, services, or commodities for profit shall be permitted in the park.





CITY OF PORTLAND

Portland Police Department  
Michael J. Chitwood  
Chief of Police



A Nationally Accredited  
Department of Excellence

May 12, 2004

Sgt. Daniel Young  
Portland Police Department  
109 Middle Street  
Portland, ME 04101

Dear Island Resident,

There has been a great deal of confusion regarding the insurance and registration requirements for all Island vehicles and golf carts. Last year our State Representative attempted to have a law passed exempting Portland Island communities from certain state motor vehicle laws. This effort did not pass the State Legislature. The Portland Police Department has determined that certain City of Portland ordinances and State of Maine traffic laws are currently in effect for all islands served by the City of Portland.

This is an open letter to all island residents advising you as to those ordinances and laws. So as to be consistent with enforcement of these ordinances and laws, the Portland Police will be visiting each island periodically over the summer. From now until June 15<sup>th</sup>, 2004 warnings will be given regarding issues of insurance, registration and required equipment on golf carts. After June 15<sup>th</sup> 2004 a written summons will be issued.

It is the purpose of the Portland Police Department Island Affairs Division to treat all the islands consistently so that there will be no confusion.

The City of Portland Ordinance in the Portland Code is section 28-185, which states:

- 1) *Such golf carts shall be operated only in daylight, not earlier than 1/2 hour before sunrise and not later than 1/2 hour after sundown, unless equipped with and utilizing suitable headlights and taillights as determined by the PD; shall keep to the extreme right of the roadway; shall not exceed a speed of 10 mph; and shall obey all traffic laws applicable to m/vs.*
- 2) *Each golf car be equipped with an auditory warning device; a visual safety flag on a whip antenna at least 6' in height; slow vehicle markings; and display a sticker on the car showing annual registration with the city treasury division as an island vehicle.*

*If in compliance with the above requirements; the operation of golf carts shall be permitted on the streets of Cliff Island, Great Diamond Island, Little Diamond and Peaks Islands.*

Relating to the state motor vehicle laws pertaining to registration and insurance they are as follows:  
Title 29A section 501-2-H-C:

- A. *An automobile may be registered for an annual fee of \$4.00. A low-speed vehicle or golf cart may be registered for an annual fee of \$4.00. The registrant must show evidence of payment of the excise tax required by Title 36, section 1482. The municipality may collect an additional \$4.00 fee annually to defray the cost of removing abandoned vehicles or golf carts.*

OVER



# ISLAND USE VEHICLES/LOW-SPEED VEHICLES/GOLF CARTS

## REFERENCE:

Title 29-A, Section 501-2-A

## DEFINITION:

Island vehicles, golf carts and low-speed vehicles. The following provisions apply to vehicles operating on islands that have no public ways maintained or supported by the State.

A. An automobile, low-speed vehicle or golf cart may be registered for an annual fee of \$4.00. The registrant must show evidence of payment of the excise tax required by Title 36, section 1482. The municipality may collect an additional \$4.00 fee annually to defray the cost of removing abandoned vehicles or golf carts.

B. A low-speed vehicle or golf cart may be operated on an island if the governing body of the municipality allows. A low-speed or golf cart may be operated only on a road or street where the posted speed limit is 35 miles per hour or less. A low-speed vehicle or golf cart may cross, at an intersection, a road or street with a posted speed limit of more than 35 miles per hour.

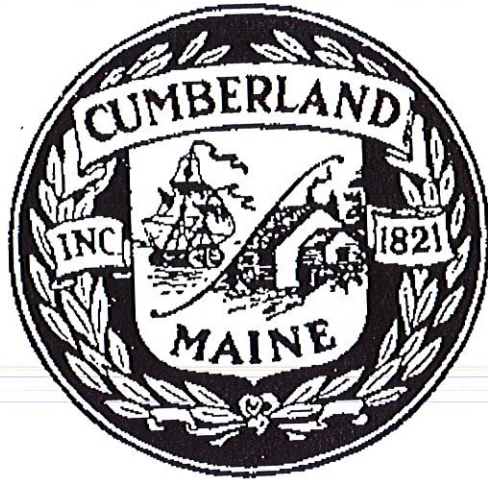
C. Any person operating a low-speed vehicle or a golf cart on an island must possess a valid driving license in any class.

## SPECIAL REQUIREMENTS:

Motor vehicles registered for island use must be used to carry passengers and used exclusively on one of the following islands:

ISLAND	COUNTY	COMMUNITY
Bustin	Cumberland	Portland
Cranberry Isle	Hancock	Cranberry Isle
Cliff Island	Cumberland	Portland
Cushing	Cumberland	Portland
Frenchboro	Hancock	Frenchboro
Frye Island	Cumberland	Frye Island
Great Chebeague	Cumberland	Cumberland
Great Diamond	Cumberland	Portland
Isle Au Haut	Knox	Isle Au Haut
Little Diamond	Cumberland	Portland
Little John	Cumberland	Cumberland
Long Island	Cumberland	Portland
Matinicus Isle	Knox	Matinicus Isle
Monhegan	Lincoln	Monhegan
Peaks Island	Cumberland	Portland

REV 09/21/01



# Town of Cumberland Tax Cap Impacts

October 2004

## Cumberland Town Council

William Stiles, Chairman  
Harland Storey, Vice Chair

Donna Damon  
Mark Kuntz  
Michael Savasuk  
Jeffrey Porter  
Stephen Moriarty

829-6679  
829-3939  
846-5140  
829-6482  
781-3061  
829-4129  
829-5095

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[cstorey@gwi.net](mailto:cstorey@gwi.net)  
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**Town of Cumberland  
Tax Cap  
Informational Questions and Answers**

**What is the Palesky Tax Cap Proposal?**

It is a statewide referendum question on the November 2 ballot that, if approved by voters, will:

1. Roll back property assessments to 1996 levels
2. Limit property taxes to 1 percent (\$10 per \$1,000\*) of the assessed value (plus a portion of citizen-approved debt service)
3. Limit property assessment increases to 2 percent per year

*\*The current tax rate in Cumberland is \$19.20 (per \$1000 assessed value) Under Palesky, property taxes would be limited to \$10.00 per \$1000 assessed value (Our \$500,000 of Annual Debt payments is not allowed to be added to our mil rate because our Citizen's approved Town Charter does not provide for a referendum mechanism to have all debt voted upon. The 58 cents per thousand dollars of value will be the debt payment included in the 10 mil tax rate calculation)*

**What does this mean for Cumberland?**

If the Palesky proposal passes:

- Town services will sustain major cuts
- New and increased user fees will be implemented for Town services
- Property taxes will be reduced

**What is the Town of Cumberland's budget?**

The Town budget for fiscal year 2005 is approximately \$16.2 million, to be raised from property taxes broken down as follows:

July 1, 2004 to June 30, 2005 Budget	Today from Property Taxes	% from Property Taxes	**Balance of Budget	Total Budget 7/04 to 6/05
	\$ 16,208,642	100%		
School	\$ 12,343,712	76%	\$ 10,126,288	\$ 22,470,000
Town	\$ 3,864,930	24%	\$ 3,463,311	\$ 7,328,241
	\$ 16,208,642			\$ 29,798,241

*\*\* The "Balance of the Budget" for schools comes from North Yarmouth's MSAD annual assessment and state aid for education along with other smaller educational revenue sources.*

*The "Balance of the Budget" for the Town is derived from state revenue sharing, MDOT block grant, excise taxes, registration fees and other miscellaneous sources.*

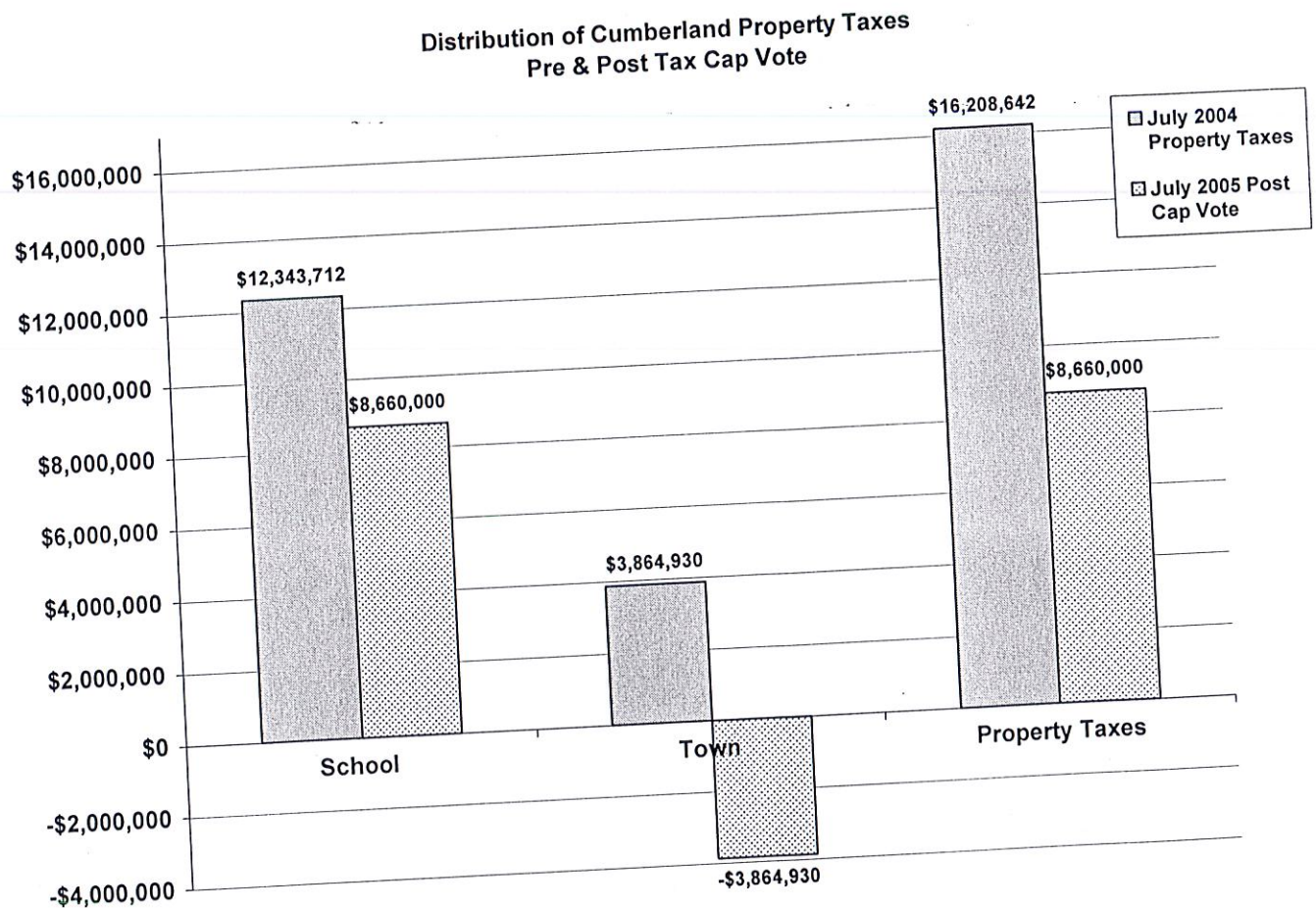
**How would the Town budget cuts be made?**

The Town Council will solicit citizen input before making cuts. How the budget reduction will be allocated between the town and the school is still to be decided because it is not clear in the referendum language.

## How much money would have to be cut from the town budget?

If the referendum passes, the Town of Cumberland may need to cut from its budget \$4.2 million to \$ 7.6 million. This does not account for any additional State funding for Towns, since the Legislature has not taken any action or steps to mitigate the upcoming vote. However, if assessed values are rolled back to 1996-97 levels, the proposal's fiscal impact is actually an \$8.7 million loss.

After extensive review of the data and the Maine Supreme Court advisory opinion that the provision in the bill to roll back taxes to the 1996 level would violate the Maine Constitution, the Maine Municipal Association has determined the \$4.20 million figure to be realistic if the Town uses the 100% State Equalized Property Values (100% property values not the current 76%) and can also include non referendum approved Town Debt.



*Our School System, MSAD 51, and County Taxes are exempt from the Tax Cap. We receive an assessment which we are legally obligated to pay. Even if we use all available funding allowed under the proposed legislation, we would still **fall short \$3.68 million dollars** in our school assessment and have \$0 dollars available for County Tax, Town Debt and Municipal Operations.*



### **How is the Town & School structure different in Cumberland (MSAD 51), than in Falmouth, Freeport or Yarmouth?**

In the other towns, the town councils can accept or reject the school budget presented by the elected school board. The Town Council in our community has no involvement with the School's annual budget process. The Cumberland Town Council can neither accept nor reject the school's budget once it has been voted upon by the registered voters of both communities. Once the budget has been approved, an assessment is calculated and the bill is forwarded to both communities.

### **What changes in municipal services might we see?**

There is no way to know exactly what will change until actual cuts are determined, but it is anticipated that many services will be severely reduced:

- Reduction in the number of Town employees
- Significant Reduction in Police Coverage
- Library hours reduced significantly
- Reduction in road maintenance, paving and major road repairs
- Fees for Trash Disposal
- Entrance fees for Twin Brook and the Rines Forest
- Reduction in Winter Maintenance(snow plowing and sanding) efforts
- Reduction in Fire Department Services
- Elimination of the Regional Paramedic Program
- Reduction in Town Hall Hours
- Reduction or Elimination of Contributions to Cumberland Non-Profits such as Cemeteries, PROP, Chebeague Island Recreation, Chebeague Island Library

### **What kind of user fees might we see in Cumberland?**

- Trash bag costs for curbside disposal \$2.75 per 33 gallon bag- The average household of 4 may use 2 bags/week =  $\$5.50 \times 52 = \$286$  /year
- Twin Brook : \$5 per visit (or a Season Pass fee)
- Building permits: 50% increase (presently the lowest in the area)
- Increased Plumbing and Electrical Permit Fees
- Increased Subdivision and Site Plan Review Fees
- Recreation program fees increases
- Rescue fee increases
- Library hours reduced and increased user fees
- New user fees for Fire Department services

### **Will any of the user fees be deductible from my income tax?**

No. Your property tax is a deductible item, but fees are not.

**Can Cumberland vote this proposal down or override it in some way?**

No. It is a statewide referendum. Even if the referendum is defeated in Cumberland, it will apply to Cumberland if it receives statewide approval. There is no local override provision in the proposal, unlike tax caps in some other states.

**Are these just scare tactics, or will these service charges really occur in Cumberland?**

These are not scare tactics, but realistic estimates of things that could be cut from our Town budget and additional revenue-raising options.

A 4.2 million cut from our town budget will require very real and significant sacrifices.

**What other states have similar tax cap proposals? What have been the results?**

Several other states have tax caps. Each state is unique and the success of these caps is subject to debate and interpretation. Carol Palesky used California's Proposition 13 as the model for her tax cap, and there appears to be general consensus that education in California has suffered. California has fallen from one of the highest achieving states in the nation in education to one of the lowest in the 25 years since Proposition 13 passed.

**Where can I get more information?**

A complete copy of the Palesky proposal, additional articles, and information in support and against the Tax Cap can be found at the following websites:

<http://www.memun.org/resources/Public/news/pp/question.htm>

<http://citizensunitedformaine.com/>

<http://news.mainetoday.com/indepth/taxreform/>

<http://www.taxcapyes.org/>



## What would be the property tax savings for a home in Cumberland?

If the referendum passes, the tax savings for each home will be different. You can see what your actual tax bill would be under the proposal at town hall. Examples of savings:

If your property is Assessed at:	Present Tax	Palesky Tax	Savings
	\$19.20	\$10.00	\$9.20
\$50,000	\$960	\$500	\$460
\$100,000	\$1,920	\$1,000	\$920
\$150,000	\$2,880	\$1,500	\$1,380
\$200,000	\$3,840	\$2,000	\$1,840
\$250,000	\$4,800	\$2,500	\$2,300
\$300,000	\$5,760	\$3,000	\$2,760
\$350,000	\$6,720	\$3,500	\$3,220
\$400,000	\$7,680	\$4,000	\$3,680
\$450,000	\$8,640	\$4,500	\$4,140
\$500,000	\$9,600	\$5,000	\$4,600
\$550,000	\$10,560	\$5,500	\$5,060
\$600,000	\$11,520	\$6,000	\$5,520
\$650,000	\$12,480	\$6,500	\$5,980

If your property is Assessed at:	Present Tax	Palesky Tax	Savings
	\$19.20	\$10.00	\$9.20
\$700,000	\$13,440	\$7,000	\$6,440
\$750,000	\$14,400	\$7,500	\$6,900
\$800,000	\$15,360	\$8,000	\$7,360
\$850,000	\$16,320	\$8,500	\$7,820
\$900,000	\$17,280	\$9,000	\$8,280
\$1,500,000	\$28,800	\$15,000	\$13,800
\$2,000,000	\$38,400	\$20,000	\$18,400
\$2,500,000	\$48,000	\$25,000	\$23,000
\$3,000,000	\$57,600	\$30,000	\$27,600
\$3,500,000	\$67,200	\$35,000	\$32,200
\$4,000,000	\$76,800	\$40,000	\$36,800
\$4,500,000	\$86,400	\$45,000	\$41,400

*Savings may not be realized if all properties are assessed at 100% of Equalized Value.  
Currently, Town wide properties are at 76 % of Equalized Value.*

## What's next and how do we move forward?

If the Tax Cap initiative passes on November 2, 2004, the Town Council will hold a series of meetings to determine the level of services the community is willing to pay for above and beyond the tax cap's decreasing of revenues. Those services may include user fees, such as payment for trash disposal through the purchase of Town trash bags or service charges for Fire and Rescue calls. If the tax cap is approved, implementation of reduced services and increased fees would begin on July 1, 2005.

The amount of *Non Property Value* based fees and assessments will be significantly impacted or reduced by the amount of money the State will contribute to communities to offset the huge losses in local property tax revenues. The State of Maine is currently approaching a \$850 million dollar short fall for its upcoming 2 year budget cycle. The State would have to consider all revenue sources including sales tax and state income taxes to raise additional funds.

Presently, our community pays for services that individually none of us could afford. If the Tax Cap is enacted, we will leave the *Community* based model of government for a *Consumer* based model where the individual picks and chooses services and pays for them as they are used.

Fire and Police services will be the most difficult to fund and voters may be presented with a request and a fee structure based upon the square foot size of the home. All new assessments under the proposal will be required to be voted upon and approved by 2/3 majority vote.



The average cost of a home in Cumberland is \$250,000. That average home's contribution to Town Services is as follows:

**Community Based Services**  
**July 1, 2004 to June 30, 2005**

**Consumer Based Services**  
**Future**

Police:	\$ 117.....	Fees based upon Size & Type
Recreation:	\$ 12.....	All User Fees
Fire:	\$ 78.....	Fees based upon Sq. Ft. of Home
Parks:	\$ 17.....	User Fee or Seasons Pass
Rescue:	\$ 53.....	All User Fee
Public Works:	\$ 132.....	By Bonds if approved by 2/3 Vote
Trash & Recycling:	\$ 266.....	Trash Bag Fees- \$3 to \$4 per bag
Library	\$ 62.....	User Fees and Reduced Services
Remaining Services	\$ 78.....	Reduced Hours at Town Hall, No
	<b>\$ 815</b>	Funding of Non Profits, Reduced
		Cemetery funding

**The Average Cost for a \$250,000 Home for all Town Services presently per year is:**

\$ 815	Town Services
\$ 145	Town Debt
\$ 193	County Tax
\$ 3,648	Schools
<b>\$ 4,800</b>	<b>Total Tax Bill</b>

**Lessening the Impact**

Town wide, property values have increased at an annual rate of nearly 16%. The Town is fast approaching another revaluation with property tax values at 76% of their actual value according to numbers completed by the Bureau of Taxation this past month.

A Town-wide revaluation prior to the implementation of this legislation will be necessary for two reasons: 1) Equity and a more fair distribution of the tax burden, as required by the State, to properties which have increased more rapidly in value and 2) It will be our starting point for all future taxes to be appropriated under the Palesky Tax Plan.

Revaluations are typically done for one reason, to more fairly distribute the tax burden on all the properties in the community. The typical revaluation has 1/3 of the properties increasing in value, 1/3 decreasing in value, and the final 1/3 staying at or near their current values. If we undertook a Town wide revaluation today without the Tax Cap looming over us, the tax rate would drop about 24% while values on average would increase about 24% causing the revaluation to be neutral as it relates to generating revenues. The new Tax Rate would be near \$14.70. Under the proposed Tax Cap Plan, the maximum mil rate would be \$10 plus some additions (none of which Cumberland is eligible).

Starting at 100% of assessed property values places all properties on an equitable plane.



What will be the impact on my taxes, if I live in a \$250,000 home and the Tax Cap is passed and the Town revalues all properties?

Present day taxes  $250 \times 19.20 = \$4,800$

*Worst Case Scenario with a Tax Cap*

No Revaluation by the Town – Tax Cap new tax on  $\$250 \times \$10 = \$2,500$

- Most Drastic approach and the loss in revenues approach \$8 million.

*Best Case Scenario with a Tax Cap*

With Revaluation if the Home is assessed at 76% of its actual value the homes Full Equalized State Value will be  $\$250,000 / .76 = \$328,947$        $\$329 \times 10 = \$3,290$

- Drastic approach, but with user fees and cuts in all municipal departments and bonding for all road improvements and all Town, police,, Fire and Rescue Equipment, a sustainable Town government could be developed.

	Present Day \$250,000 Home	Tax Cap with Revaluation	Tax Cap No Revaluation
Property Taxes	\$4,800	\$3,290	\$2,500
Impacts	Full Service Community	User Fees Bonding for Projects Reduction in Services Local Control Some Consumerism Still Cumberland	All User Fees Loss of Local Control County & State Services Consumer Based society Ward of the State & County

### Closing Comments

Thank you for taking the time to read this document. This vote will have a continued effect on communities throughout our state regardless of the outcome on November 2, 2004. The Town Council encourages your comments and concerns. Please write, e-mail or participate in the televised meeting on **October 27, 2004 at 7:00 PM** at the Cumberland Town Hall.

ISLAND USE VEHICLES/LOW-SPEED VEHICLES/GOLF CARTS  
(CONT'D)

COMMENTS:

Only those islands listed above qualify for island use registrations. Should a customer claim that a different island should qualify, refer him to the Department of Transportation, since DOT determines the qualifications.

PROCESSING INFORMATION:

Subject to excise tax .....	Yes
Registration form used .....	MVR-1/MVR-2/MVR-3
Type of plate used .....	None, see note
Class code .....	IU
Vanity plate .....	No
Registration fee .....	\$4
Subject to Title Law .....	Yes
Expiration .....	1 year from month of issue
Subject to inspection .....	No
Subject to Sales Tax .....	Yes
Insurance required .....	Yes
First registration .....	Motor Vehicle Branch Office or Municipal Agent authorized to process New Registrations
Re-registration .....	Motor Vehicle Branch Office or any Municipal Agent

Process the registration as follows:

- A. Do not issue any number plates to the customer. In the plate box of the registration certificate, type in the year sticker number. The reason no plates are being issued is to prevent the registrant from using the vehicle on the mainland.
- B. When processing a new registration, issue the customer a set of validation stickers for the appropriate month and year, advising him to put the stickers in the center of his front and rear bumper. Type or write the month sticker number on the lower left-hand side of the registration certificate.
- C. When processing a re-registration, issue the customer a set of validation stickers appropriate for the year, advising him to put the sticker in the center of his front and rear bumper.
- D. Effective July 1, 1988, any municipality collecting excise tax for Island Use Vehicles may collect an additional \$4.00 fee to defray the cost of removing abandoned vehicles.

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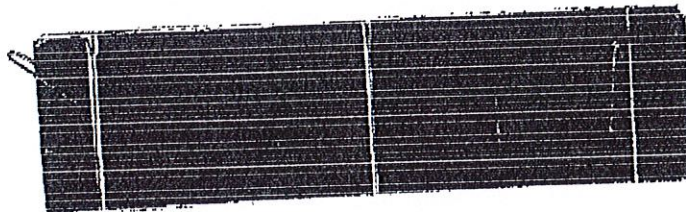
# Portland, Maine



## ISLAND USE ONLY

**Nº 5889**

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2002	2003	2004	2005	2006	2007	2008	2009	2010			



- B. Any person operating a low-speed vehicle or a golf cart on an island must possess a valid driving license in any class.*

**Title 29A Section 1601-1**

*1601. Required maintenance of financial responsibility*

- 1. Requirement. An operator or owner of a vehicle registered in this State or required to be registered in this State shall maintain the amounts of motor vehicle financial responsibility.*

If there are any questions or concerns please contact the officers on Peaks Island or me directly at 874-8778.

Respectfully,

Sgt. Daniel Young  
Community Affairs  
Portland Police Department



## **Val Halla Golf & Recreation Center**

### **Policy on Alcohol on Facility Grounds**

**August 4, 2004**

Whereas the Legislature of the State of Maine has passed legislation allowing alcohol consumption on golf courses in Maine; and,

Whereas the Trustees of the Val Halla Golf and Recreation Center wish to adopt a policy expressly tailored to circumstances at it's facility; and

Whereas the Trustees feel that failure to adopt such a policy will both lessen the facility's ability to monitor and manage alcohol on the premises and place the course at some disadvantage in retaining and attracting outside event revenue;

Now therefore the following resolution is adopted by the Trustees and recommended to the Town Council for ratification as necessary:

- 1) Nothing herein is intended to loosen any controls or conditions imposed by the State of Maine or the Town of Cumberland in granting to Val Halla necessary licensing for the sale of alcohol.
- 2) That in a manner consistent with it's licensing, Val Halla offer beer and wine for sale on the course, with the following restrictions:
  - a) Only alcohol purchased from designated on-course stations and/or beverage carts may be consumed on the course. Alcohol from other sources may not be brought on to the course and alcohol purchased in the clubhouse may not be brought on to the course.
  - b) On-course alcohol sales will be confined to Friday, Saturday and Sunday for the remainder of 2004 except as provided in 2)c) below. This restriction will be reviewed prior to the 2005 season.
  - c) The sponsors of any Golf Tournament of 40 or more players playing in an organized fashion and meeting guidelines established by Course Staff (Some combination of the Tournament Director, Banquet/Facilities Manager or designee and Golf Pro) may request on course sales on any day.
  - d) That any on-course point of sale (cart or stand) also have non-alcoholic beverage options and snacks available
- 3) While recognizing that implementation of this policy will appropriately fall to course staff, the Trustees desire to be explicit in outlining their expectation that implementation of on-course alcohol sales will be well thought out and carefully monitored. The following points need to be part of that implementation:
  - a) Designating and carefully training staff members engaged in on-course sales. Said training to include applicable laws, strategies for managing interactions for golfers and protocols for difficult situations should they occur.

- b) Some type of limit on sales to individuals. For example not more than 2 drinks per individual and not serving any group more than once every 4 holes.
- c) Designating an individual in the Pro Shop or Grill who will serve as a point of contact for the cart/stand operator and will monitor that individual's activities and well being.



# **PUBLIC GROUNDS ORDINANCE**

Town of Cumberland, Maine  
October 2004

# **PUBLIC GROUNDS ORDINANCE**

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## PUBLIC GROUNDS ORDINANCE

### I. ARTICLE I. TITLE, PURPOSE AND DEFINITIONS

#### A. TITLE

This Ordinance shall be known and may be cited as the Public Grounds Ordinances of the Town of Cumberland.

### II. ARTICLE II. GENERAL PROVISIONS

#### A. OPERATION OF VEHICLES

No vehicle shall be driven on or over any part of public grounds without specific authorization of the Town manager except within the traveled portion of public ways or within those portions of public grounds which are specifically designated for vehicular travel.

#### B. HOOFED ANIMALS

No hooved animals are allowed on any paved areas of public grounds except as specifically permitted by the Town Council or its duly appointed agent.

#### C. OBSTRUCTION OF PEDESTRIAN TRAFFIC

Three or more persons shall not stand together, on or in, any street or sidewalk in such manner as to obstruct the free passage therein, for pedestrians attempting to lawfully walk these streets or sidewalks.

#### D. HOURS OF USE AT ALL TOWN OWNED OUTDOOR FACILITIES

1. All *Town owned outdoor facilities* hereinafter referred to *Town Outdoor Facilities* shall be open for use by the general public during daylight and early evening hours throughout the year, and it shall be closed to public use from one hour after sunset until one hour before sunrise of the immediately following day during which time it shall be unlawful for any person to be within the limits of all the *Town Outdoor Facilities* or related parking areas, except for special events approved by the Town Council or designated advisory committees.

2. Any person who knowingly fails or refuses to leave the *Town Outdoor Facilities* or related parking areas during such times when the park is closed to general public use, when requested or directed to leave by any police officer or agent of the Recreation Department shall be guilty of criminal trespass pursuant to Title 17A MRSA §402.

### III. ARTICLE III

#### A. PENALTY

Whoever violates any of the provisions of this Ordinance to which a particular penalty is not annexed shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for each violation, to be recovered on complaint, to the use of the Town of Cumberland.

### IV. ARTICLE IV

#### A. SCHEDULE OF GENERAL AND SPECIAL REGULATIONS ON VARIOUS TOWN PROPERTIES

Except as provided hereinafter, the following rules and regulations apply to all municipal properties of the Town of Cumberland.

1. No person shall deposit or leave any trash, litter, or refuse except in designated containers or disposal areas.
2. No person shall set, leave, bait, or tend any animal traps, water sets, or snares unless permitted by the Town Council through a Use Policy of that specific facility.
3. No person shall deface, injure, destroy, vandalize, or remove any fences, signs, gates, benches, structures, amenities, buildings or any other public improvements.
4. No person shall place, construct or assemble any fence, tree house, permanent tree stand, building, structure, latrine, lean-to, bridge, culvert, or conduit, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
5. No person shall set, kindle, burn, or allow any fire, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
6. No person may camp or tent on any Town properties after 7:00 PM or the authorized evening hours of operation, whichever is earlier, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
7. Except for brushing or maintenance of approved trails systems, no person shall cut or remove any trees, limbs, shrubs or bushes nor remove any vegetation, without the explicit permission of the Town as provided in Section 4.2 hereinafter. This shall not be construed to prohibit the gathering of nuts, fruits, ferns, leaves, berries, cones, driftwood, seaweed, mosses or similar vegetation for personal consumption, ornamentation, scientific or educational purposes.



8. No person shall apply any herbicide, fungicide, or pesticide, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
9. Motor vehicles, bicycles, all terrain vehicles and other motorized equipment shall be prohibited from all areas except roadways, parking areas, and tracts specifically established or designated for such use, without the explicit permission of the Town as provided in Section 4.2 hereinafter.
10. The Town Manager, under the direction of the Town Council, or with the advice and consent of the a Council appointed Advisory Committee or Agency assigned may adopt or establish additional rules and regulations as are reasonable and necessary to accomplish the following purposes:
  - a. To assure healthful, safe, and sanitary conditions on the subject property.
  - b. To promote peaceful and considerate public use and enjoyment of Town properties and to minimize any nuisance, disturbance or interference, or safety concerns on adjoining or nearby lands that may be caused by such public use or enjoyment of Town lands.
  - c. To protect or enhance the scenic, recreational and environmental values of the property and to prevent erosion, unreasonable disturbance of natural habitat and wildlife, or to prevent pollution.
  - d. To allocate the limited use of time and space fairly and equitably among various persons or groups seeking use of the properties.
  - e. To provide for efficient care and maintenance of the properties

B. EXEMPTIONS

All activities listed in this schedule of General and Special Regulations shall not be unlawful if undertaken with the explicit approval of the department, agency, or officer of the Town assigned primary oversight responsibility for the use of the subject property. Approval shall only be granted if the Department, Agency or Officer determines that such requested activity is consistent with the general public purposes for which the property is intended and shall not unreasonably injure or risk injury to the subject property or to the public use and enjoyment thereof.

1. Nothing herein shall prohibit the care, maintenance, control or improvement of Town properties undertaken by any agency, department or officer of the Town or with the authority of the Town.

C. SPECIAL REGULATIONS FOR TOWN OUTDOOR FACILITIES

1. Town Outdoor Facilities Park shall be open for use by the general public during daylight and evening hours throughout the year, and it shall be closed to public use from one hour after sunset to one hour before sunrise of the immediately following day during which time it shall be unlawful for any person to be within the limits of the park or related parking areas, except for special events approved by the Town Council or Community Services Department.
2. No person shall allow animal feces of any animal or pet under their control to be deposited or to remain on any walkway, lawn or pedestrian area.
3. No person shall allow any confetti, streamers, or litter to be tossed, or deposited in the park.
4. No solicitations, sales peddling, or vending of goods, services, or commodities for profit shall be permitted in the park.



## **TOWN OF LONG ISLAND Golf Cart Ordinance**

### **Sec. 17-13. Golf Carts on town streets by certain persons.**

The operation of golf carts shall be permitted on town streets if in compliance with the following requirements:

- (1) The operator must be over the age of twenty-one (21) or possess a valid license to operate a motor vehicle; \*and are required to show evidence of insurance bill of sale and have original (new) purchase price at time of registration.
- (2) Such golf carts shall be operated only in daylight, not earlier than one-half hour before sunrise and not later than one-half hour after sundown; unless equipped with and utilizing suitable headlights and taillights as determined by the sheriff's department; shall keep to the extreme right of the roadway; shall not exceed a speed of ten (10) miles per hour; and shall obey all traffic laws applicable to motor vehicles;
- (3) Each golf cart shall be equipped with an auditory warning device, a visual safety flag on a whip antenna of at least six (6) feet in height, slow vehicle markings, and display a sticker on the cart showing annual registration with the tax collector as an island vehicle



# Jensen Baird Gardner & Henry

KENNETH M. COLE III  
NICHOLAS S. NADZO  
FRANK H. FRYE  
DAVID J. JONES  
MICHAEL A. NELSON  
RICHARD H. SPENCER, JR.  
ALAN R. ATKINS  
RONALD A. EPSTEIN  
WILLIAM H. DALE  
JOSEPH H. GROFF III  
F. BRUCE SLEEPER  
DEBORAH M. MANN

LESLIE E. LOWRY III  
PATRICIA MCDONOUGH DUNN  
MICHAEL J. QUINLAN  
R. LEE IVY  
FRANK K. N. CHOWDRY  
NATALIE L. BURNS  
SALLY J. DAGGETT  
BRENDAN P. RIELLY  
SUZANNE R. SCOTT  
MARCIA G. CORRADINI  
J. COLBY WALLACE

ATTORNEYS AT LAW  
TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112-4510  
(207) 775-7271

TELECOPIER (207) 775-7935

[www.jbgh.com](http://www.jbgh.com)

MERTON G. HENRY  
WALTER E. WEBBER  
JAMES E. KAPLAN  
OF COUNSEL

RAYMOND E. JENSEN  
(1908-2002)

KENNETH BAIRD  
(1914-1987)

M. DONALD GARDNER  
(1918-2003)

## YORK COUNTY OFFICE

11 MAIN STREET, SUITE 4  
KENNEBUNK, MAINE 04043

(207) 985-4676

TELECOPIER (207) 985-4932

September 16, 2004

William R. Shane, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

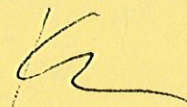
receive

Dear Bill:

This letter is intended to respond to your request in regard to whether there was any way the current Council could bind future Councils in regard to the development of the Rines parcel. Specifically, as you correctly surmised, one Council's action cannot directly bind another and the only way to impose a restriction that a subsequent Council could not release is to grant a conservation easement to a third party. That third party would still be able to be persuaded to release such a restriction at a late date but a subsequent Council could not unilaterally release it. Since Cumberland has the Cumberland Island and Mainland Trust, it is possible that such a conservation easement could be given to that local entity or it certainly could be given to a third party. The relevant statute in this regard is at 33 M.R.S.A. § 476 et seq. which recognizes the creation and enforceability of this type of easement. If the Council did not wish to go quite that far, its only other option would be to record a set of restrictions in regard to the use of the Rines property in the Registry of Deeds. Subsequent Councils could change those but it would require a formal amendment and therefore a public hearing process rather than simply unilateral action.

Please let me know if you wish me to follow up further in this regard.

Very truly yours,



Kenneth M. Cole III

KMC/ab



## **Rines Forest Mission Statement**

The Cumberland Town Council holds that the Rines Forest property is a unique tract of land that shall remain forever in its undeveloped forested state. To this end, it is the collective responsibility of the community to protect the Forest's natural beauty, wildlife and varied ecosystems. Citizens and friends are encouraged to passively recreate within the property's boundaries while conserving its natural environment.

## **Rines Forest Stewardship Principles**

1. The Town Council endorses the maintenance of the Forest to assure its present undeveloped forested state and will provide the human and fiscal resources necessary to do so.
2. A Forest Management Plan will be adopted and updated.
3. Within the scope of the management plan, areas determined to be environmentally sensitive and vulnerable shall receive specific attention.
4. A citizen based Advisory Committee shall report to the Town Council and provide an Annual Report which outlines the progress made toward maintaining the Rines Forest Stewardship Principles.
5. A network of trails including a new access from Range Road shall be maintained and improved.
6. Future acquisition for connectivity is encouraged and future planning shall be coordinated with the Town Lands and Conservation Commission.
7. Citizens are encouraged to passively recreate within the boundaries of the forest.
8. Educational use of the property for individuals or organizations shall be encouraged.
9. A list of acceptable uses of the Forest will be created and incorporated into a "Use Policy".
10. An informational brochure outlining the property's environmental attributes, a map of trails and other related issues of interest will be published and maintained.

## **Future Board Policies to be Developed**

- Forest Use Policy
- Forest Management Plan
- Protection of the property through a third party easement

## **Val Halla Golf & Recreation Center**

### **Policy on Alcohol on Facility Grounds**

**August 4, 2004**

Whereas the Legislature of the State of Maine has passed legislation allowing alcohol consumption on golf courses in Maine; and,

Whereas the Trustees of the Val Halla Golf and Recreation Center wish to adopt a policy expressly tailored to circumstances at it's facility; and

Whereas the Trustees feel that failure to adopt such a policy will both lessen the facility's ability to monitor and manage alcohol on the premises and place the course at some disadvantage in retaining and attracting outside event revenue;

Now therefore the following resolution is adopted by the Trustees and recommended to the Town Council for ratification as necessary:

- 1) Nothing herein is intended to loosen any controls or conditions imposed by the State of Maine or the Town of Cumberland in granting to Val Halla necessary licensing for the sale of alcohol.
- 2) That in a manner consistent with it's licensing, Val Halla offer beer and wine for sale on the course, with the following restrictions:
  - a) Only alcohol purchased from designated on-course stations and/or beverage carts may be consumed on the course. Alcohol from other sources may not be brought on to the course and alcohol purchased in the clubhouse may not be brought on to the course.
  - b) On-course alcohol sales will be confined to Friday, Saturday and Sunday for the remainder of 2004 except as provided in 2)c) below. This restriction will be reviewed prior to the 2005 season.
  - c) The sponsors of any Golf Tournament of 40 or more players playing in an organized fashion and meeting guidelines established by Course Staff (Some combination of the Tournament Director, Banquet/Facilities Manager or designee and Golf Pro) may request on course sales on any day.
  - d) That any on-course point of sale (cart or stand) also have non-alcoholic beverage options and snacks available
- 3) While recognizing that implementation of this policy will appropriately fall to course staff, the Trustees desire to be explicit in outlining their expectation that implementation of on-course alcohol sales will be well thought out and carefully monitored. The following points need to be part of that implementation:
  - a) Designating and carefully training staff members engaged in on-course sales. Said training to include applicable laws, strategies for managing interactions for golfers and protocols for difficult situations should they occur.



- b) Some type of limit on sales to individuals. For example not more than 2 drinks per individual and not serving any group more than once every 4 holes.
- c) Designating an individual in the Pro Shop or Grill who will serve as a point of contact for the cart/stand operator and will monitor that individual's activities and well being.

**Historical Society Request for Funding  
September 27, 2004**



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016457

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT TOWN OF CUMBERLAND, a municipal corporation organized and existing under the laws of the State of Maine, in consideration of one dollar and other valuable consideration paid by CUMBERLAND HISTORICAL SOCIETY, a Maine non-profit corporation, whose mailing address is: BLANCHARD ROAD, CUMBERLAND, ME 04021 the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said CUMBERLAND HISTORICAL SOCIETY, its successors and assigns forever,

A certain lot or parcel of land with building thereon situated on the southwesterly side of Blanchard Road in the Town of Cumberland, County of Cumberland and State of Maine being bounded and described as follows:

Beginning at a reinforcing rod on the apparent southwesterly sideline of Blanchard Road, said rod being on a course of S 27° 23' E and a distance of 20.23 feet from an iron at the most northerly corner of a parcel of land owned by W. Rand Surgi and recorded in Cumberland County Registry of Deeds in Book 4245, Page 113;

Thence S 27° 23' E, along the apparent southwesterly sideline of Blanchard Road, a distance of 82.06 feet to a reinforcing rod;

Thence S 60° 23' W through land of the Grantor a distance of 153.80 feet to a reinforcing rod;

Thence N 29° 37' W, continuing through land of the Grantor, a distance of 82.00 feet, to a reinforcing rod and land of Surgi;

Thence N 60° 23' E, along land of Surgi, a distance of 157.00 feet to a reinforcing rod on the apparent southwesterly sideline of Blanchard Road and the point of beginning, containing 12,742 sq. ft.

Reserving from the above described parcel a 25-foot wide right of way to the Grantor being bounded and described as follows:

Beginning at a reinforcing rod on the apparent southwesterly sideline of Blanchard Road at the most northerly corner of the above described parcel;

Thence S 27° 23' E along the apparent southwesterly sideline of Blanchard Road, a distance of 25.02 feet to a point;

Thence S 60° 23' W a distance of 156.02 feet to a point;

Thence N 29° 37' W a distance of 25 feet to a reinforcing rod and land of Surgi;

Thence N 60° 23' E, along land of Surgi, a distance of 157.00 feet to a reinforcing rod on the apparent southwesterly sideline of Blanchard Road and the point of beginning.

Excepting and reserving herefrom a certain septic sewer pipe easement, Central Maine Power Company easement of record and driveway right of way granted by deed of even date to Cumberland Hall Associates, and additionally conveying an easement for repair and maintenance of said sewer pipe and leach field as located on said Cumberland Hall Associates parcel.

These premises shall revert to the Grantor herein if said Grantee is ever suspended as a valid and existing Maine non-profit corporation. The Grantor further reserves to itself the right to repurchase the within premises for One Dollar (\$1.00) should Grantee ever determine to sell the same.

The above described parcels being a portion of the premises as conveyed from Beza Blanchard to School District No. 3 (now Town of Cumberland) by deed dated June 1, 1853 and recorded in said Registry in Book 251, Page 126, and a portion of the premises conveyed to the Grantor by Theodore J. Brown by deed dated March 5, 1927 and recorded in said Registry in Book 1261, Page 129.

The above described courses are magnetic of the year 1988.

TO HAVE AND TO HOLD, the aforegranted and bargained premises with all the privileges and appurtenances thereof to



BK 8248 PG 0056

the said CUMBERLAND HISTORICAL SOCIETY, its successors and assigns, to it and its use and behoof forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said TOWN OF CUMBERLAND as Grantor has hereunto set its hand and seal this 14th day of the month of April, 1988.

SIGNED, SEALED and DELIVERED  
in presence of:

William H. Dale

TOWN OF CUMBERLAND  
R. B. BENSON

By: R. B. Benson  
Its  
Town Manager

STATE OF MAINE  
CUMBERLAND, SS

April 14, 1988

Then, personally appeared the above named ROBERT B. BENSON  
TOWN MANAGER of the Town of Cumberland, and  
acknowledged the foregoing instrument to be his free act and  
deed and the free act and deed of the said Town of Cumberland.

Before me

William H. Dale

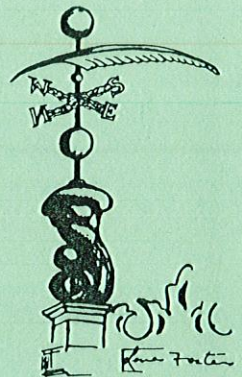
Notary Public

WILLIAM H. DALE



# Cumberland Historical Society

Cumberland Center, Maine 04021



Weather vane On  
Greely Institute Steeple  
1868

September, 2004

To: William Shane, Town Manager  
and the members of the Cumberland Town Council  
From: Carolyn Small, President, Cumberland Historical Society  
Re: Assistance

Dear Mr. Shane and members of the Cumberland Town Council,

The Cumberland Historical Society requests some financial help from the Town of Cumberland because of three challenges that have demanded our attention this past year. This first and most drastic is the floor of the 1853 schoolhouse building that the Society occupies. The underpinning has rotted and the floor is in danger of collapsing. Mr. Shane has received a copy of the engineering report that was sent in August. We have contacted Clayton Copp of Copp Movers, and he can repair the damage for about \$5,000.00.

Our second issue is the installation of a security system to protect the valuable Cumberland history that we have custody of in the building. The contract from Protection One is \$1650.00, and a \$30.00 per month fee after installation. What a shame it would be to have something dreadful occur to the 183 years of the story of this town, merely because the building wasn't secure.

Our final concern is the sign in front of the building. It is of wooden construction and has sorely felt the passage of time. It has rotted. I am awaiting a quote from Graphics on Middle Road. We would like to be able to replace the sign before it becomes a hazard. That is the very least of the three matters.

Realizing that this is probably not the best time to ask for some financial help, I nonetheless, do so, in hopes that you can locate some funds to help your Historical Society. Any amount would be greatly appreciated.

Thank you for your consideration on this matter.

Yours very sincerely,

Carolyn F. Small, President, Cumberland Historical Society





# Protection One®



685 Congress Street  
Portland, Maine 04102  
(207) 772-1171 (800) 310-5011  
Fax # (207) 772-7355



PROPOSAL SUBMITTED TO:

**Cumberland Historical Society**

STREET

**Blanchard Road**

CITY, STATE & ZIP CODE

**Cumberland, Maine 04021**

ATTENTION

**Carolyn Small**

CONSULTANT

**Robln Russell**

PHONE

**(207) 829-4423**

DATE

**9/3/2004**

JOB NAME

JOB LOCATION

We hereby submit specification and estimate for:

## INSTALLATION OF INTRUSION DETECTION SYSTEM

- One (1) 300 P1 Hardwire Pack, including 3 Door Contacts, Fixed English Keypad, Motion Detector & Siren
- One (1) DS835 Dual Technology PIR Motion Detector Pet Immune to 100lbs
- One (1) 6150 Fixed Keypad
- One (1) AlarmNet "C" Cellular Communicator w/battery 150mA
- One (1) Installation of 20' of Solid Conduit from Panel to Attic and from Attic to Keypad
- Two (2) Recessed 3/4" Steel Door magnetic contact with 5' lead (White)

TOTAL OUTRIGHT INVESTMENT FOR INSTALLATION OF SECURITY SYSTEM:

**\$1,650**

Plus Applicable Sales Tax

TOTAL INVESTMENT FOR LIFETIME MAINTENANCE PROGRAM:

**\$4.00**

per month

PROTECTION ONE FULL-SERVICE AGREEMENT INSTALLATION INVESTMENT: **\$985**

MONTHLY PAYMENT (Including Maintenance & Monitoring) **\$30.00**

ANNUAL MONITORING: **\$240.00** **\$20.00 /per month**

- A) UL/FM Approved Central Station Signal Receiving and Notification Service
- B) Automatic Test Reporting
- C) Alarm and Trouble Reporting by zone

\*Lifetime Maintenance Program is valid as long as you are a Protection One subscriber

**We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of**  
**One Thousand Six Hundred Fifty Dollars and No Cents** *Dollars \$ 1,650.00 /.*

Payment to be made as follows:

**50% due at acceptance, 50% due at completion**

The customer acknowledges that he or she is aware that additional and more secure protection is available at an additional price

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standards and practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of acceptance:

Authorized  
Signatures

NOTE: This proposal may be withdrawn if not accepted in **30 days**.

Signature

Signature

016457

## WARRANTY DEED

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in presence of:

William H. Dale

TOWN OF CUMBERLAND  
R. B. BENSON

By: R. B. Benson  
Its  
Town Manager

STATE OF MAINE  
CUMBERLAND, SS

April 14, 1988

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Before me

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Notary Public

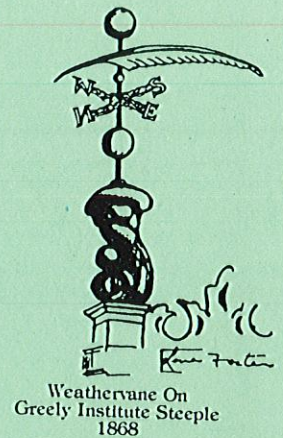
WILLIAM H. DALE



**Historical Society Request for Funding  
September 27, 2004**



Cumberland Historical Society  
Cumberland Center, Maine 04021



September, 2004

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From: Carolyn Small, President, Cumberland Historical Society  
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Thank you for your consideration on this matter.

Yours very sincerely,

Carolyn F. Small, President, Cumberland Historical Society

A large, elegant handwritten signature in cursive script that reads "Carolyn F. Small".





# Protection One®

**Factory  
Mutual  
System**

685 Congress Street  
Portland, Maine 04102  
(207) 772-1171 (800) 310-5011  
Fax # (207) 772-7355



PROPOSAL SUBMITTED TO:

**Cumberland Historical Society**

STREET

**Blanchard Road**

CITY, STATE & ZIP CODE

**Cumberland, Maine 04021**

ATTENTION

**Carolyn Small**

CONSULTANT

**Robin Russell**

PHONE

**(207) 829-4423**

JOB NAME

JOB LOCATION

DATE

**9/3/2004**

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The customer acknowledges that he or she is aware that additional and more secure protection is available at an additional price

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standards and practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.  
Date of acceptance:

Authorized  
Signature:

NOTE: This proposal may be withdrawn if not accepted in 30 days.

Signature

Signature



## **TOWN OF CUMBERLAND COMMITTEE OPENINGS**

The Town of Cumberland seeks applicants interested in serving on the *Route 100 Economic Development Advisory Committee*, a new committee created to explore the potential for Commercial Business enhancement in the West Cumberland/Route 100 corridor. An opening also exists on the Board of Assessment Review. Please email your interest to Town Clerk, Nadeen Daniels, at [ndaniels@cumberlandmaine.com](mailto:ndaniels@cumberlandmaine.com) by October 1, 2004.